

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2946 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.
3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

RATHOD RANCHHODDAS DAHYABHAI

Versus

INDIAN PETRO CHEMICALS CO.LTD.

Appearance:

MR SURESH M SHAH, Advocate for Petitioner.

MR. MAZGAVKAR FOR MR SN SHELAT, Advocate for Respondent No. 1 to 3.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/07/96

ORAL JUDGEMENT

Learned Counsel for the petitioner at the outset made a statement that the name of respondent no.4 may be deleted from the record to which the learned Counsel for respondents no.1 to 3 has no objection. Order accordingly. The name of respondent no.4 is ordered to be deleted from the record. Necessary correction may be made in the cause title forthwith.

2. The only contention made by the learned Counsel for the petitioner is that during pendency of this Special Civil Application the petitioner has been given promotion and the only question remains of giving him the deemed date of the promotion. The petitioner claimed promotion in this Special Civil Application from 31-3-1983. The learned Counsel for the petitioner relying on the order of this court in Special Civil Application No.2945/93 decided on 18-6-1996 contended that this Special Civil Application may also be disposed of in terms of that order. I have gone through the order passed by this Court in the aforesaid case. That case pertains to the dispute in between the employees and employer, Indian Petro Chemical Corporation Ltd.

3. Otherwise also I consider it to be fit case where the course which has been adopted by this Court in the Spl. Civil Application No.2945/93 (supra) has to be adopted. The promotion has been given by the respondents to the petitioner and whether he is entitled for promotion from deemed date or not has to be now gone into. Instead of going into the merits of the matter in these changed circumstances it will be in the fitness of things that the petitioner may make a representation for deemed date promotion to the respondents and the respondents shall consider the same within reasonable time, say, three months from the date of receipt thereof. In case the grievance of the petitioner is not acceptable then the respondents shall decide representation by a speaking order giving out thereunder reasons of not giving deemed date of promotion to the petitioner and the copy of the said order be sent to the petitioner under registered letter.

4. Subject to the aforesaid directions, this Special Civil Application stands disposed of. Rule discharged subject to the directions aforesaid. No order as to cost.

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